

S.B.CRIMINAL MISC. PETITION NO.545/2007
(Pursottam Vs. State of Raj. & Ors.)

Date of order : : 19.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.J.P.Chhangani, for the petitioner.
Mr.Ashok Upadhyay, PP for the State.
Mr.Sabir Khan, for the respondents.

This misc. petition under Section 482 Cr.P.C. has been filed against the order dated 2.4.2007 passed by learned Additional Chief Judicial Magistrate, Jaitaran, District Pali under Section 23 of the Protection of Women from Domestic Violence Act, 2005.

From bare perusal of the Scheme of the said Act, it clearly reveals that against any order passed under provision of this Act, appeal lies to the Court of Sessions within thirty days. The order passed by learned Magistrate under Section 23 of the Protection of Women from Domestic Violence Act is appealable, therefore, I do not find any reason to ignore the alternative remedy available to the petitioner and permit him to approach this Court.

Accordingly, this misc. petition is dismissed with liberty to the petitioner to avail alternative remedy provided under the law.

(KRISHAN KUMAR ACHARYA), J.

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